

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

3D SYSTEMS, INC.,

Plaintiff,

-vs-

Case No. 05-74891
Hon: AVERN COHN

ENVISIONTEC, INC., ENVISIONTEC
GMBH; and SIBCO, INC.,

Defendants.

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AMENDMENT TO AMENDED PRETRIAL ORDER (DOC. 178)

This patent case is scheduled for a jury trial to commence on September 20, 2010. On August 31, 2010, the Court held a conference with the parties in anticipation of trial. Consistent with the discussion at the conference this Amendment to Amended Pretrial Order (Doc. 178) is entered.

1. The following are added to the four (4) issues set for trial:

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- A. Whether, as required by Claim 81, the cooling blades of the Vanquish device apply or dispense uncured building material.
- B. Whether, as required by Claim 81, there is a means for sweeping the applicator across at least a portion of at least some of the previously formed object cross sections.

2. Damages have been bifurcated. Decision is reserved on whether or not the initial jury, a new jury or the Court will decide the issues relating to damages if the jury's verdict results in a finding of infringement by either the Prefactory or Vanquish devices or both.

3. A verdict form consistent with the issues for trial shall be agreed upon by the parties. In the event the parties cannot agree, the Court will resolve the verdict form. The verdict form calls for a special verdict, Fed.R.Civ.P. 49(a).

4. The parties shall agree on instructions of the law of the case consistent with the verdict questions. If the parties cannot agree, the Court will resolve the instructions on the law of the case.

5. Amended exhibit lists and exhibit books shall be lodged with the Court, listing and including the exhibits to be offered in evidence at the trial. Each juror shall have a hard copy set of each party's exhibits.

6. The exhibits listed are considered authentic and arguably relevant unless objection is made prior to commencement of trial. An exhibit must be identified in the record of the trial to be considered in evidence.

7. Each party is entitled to fifteen (15) hours of trial time for direct testimony and cross examination of the opposing party's witnesses. Opening and closing arguments are not included in trial time.

8. Deposition testimony must be identified and objections noted in advance of trial.

9. A juror questionnaire will be used in the impanelment of jurors. The Case Manager has separately advised the parties of the time schedule relating to the preparation

and use of the questionnaires.

10. Jurors will be allowed to take notes.

11. The parties shall agree upon a description of The Parties And The Nature Of The Case to be used to inform the prospective jurors of such matters, as well as the introductory portion of the preliminary instructions.

12. The requirements of this Amendment to Amended Pretrial Order (Doc. 178) shall be accomplished by September 14, 2010. The Court will hold a status conference by telephone on September 14, 2010, to set a schedule for resolving matters on which the parties have not reached agreement.

Any objections to this order shall be lodged with the Court within 48 hours.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 1, 2010

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 1, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160